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U. S. DEPARTMENT OF AGRICULTURE

FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE

[Food Distribution Order 5]

PART 1490—MISCELLANEOUS FOOD
PRODUCTSRESTRICTING THE SALE AND DELIVERY OF
PACKAGED CHICORY

Pursuant to Executive Order No. 9280, issued December 5, 1942, and in order to assure an adequate supply and efficient distribution of chicory; *It is hereby ordered*, As follows:

§ 1490.1 *Sales and delivery of packaged chicory restricted*—(a) *Definitions*. For the purposes of this order:

(1) "Processor" shall include any person, firm or corporation engaged in the business of processing or packaging chicory.

(2) "Packaged chicory" shall mean chicory in consumer size packages intended for or suitable for retail distribution.

(3) "Chicory" shall mean roasted chicory whether granulated or in rolls or in compressed tablets or in any other form.

(4) "Director" shall mean and include the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restriction on sales of packaged chicory*. No processor shall sell, during

the calendar year beginning January 1, 1943, packaged chicory in a quantity which bears a higher ratio to his total sales of chicory during such period than the ratio which his total sales of packaged chicory during the calendar year 1941 bore to his total sales of chicory during said calendar year. No processor shall, during any three month period beginning January 1, 1943, deliver more than one-fourth of his 1943 permissible sales of packaged chicory.

(c) *Records and reports*. All processors affected by this order shall maintain such records for such periods of time, and shall execute and file such reports and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(d) *Audits and inspections*. Every processor shall permit inspection during reasonable business hours of his books, records, and accounts by the Director.

(e) *Appeals*. Any processor affected by this order who considers that compliance herewith would work an exceptional and undue hardship on him may appeal in writing to the Director, setting forth all pertinent facts in justification of such appeal, together with a statement of the nature of the relief requested. The Director may, upon the basis of such appeal and other information, take such action as he deems appropriate.

(f) *Violations*. Any person who willfully violates any provision of this order or, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any person who, in the judgment of the Director, is found to have violated any of the terms or provisions of this order may be prohibited from making or obtaining further deliveries of chicory, or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Communications*. All reports that may be required to be filed hereunder and all communications in connection herewith shall, unless otherwise directed, be addressed to the United States Department of Agriculture, Food Distribution Administration, Washington, D. C. Ref.: FD 5.

(h) *Effective date*. This order shall be effective on January 13, 1943.

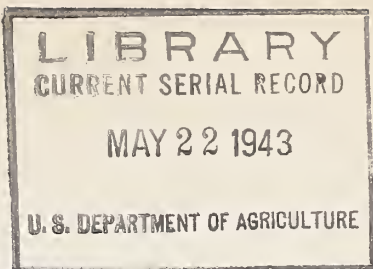
(Authority: E.O. 9280, 7 F.R. 10179.)

Issued this 12th day of January 1943.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

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FDO 5
AMENDMENT 1
APRIL 29, 1943

FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE

[FDO 5, Amendment 1]

PART 1490—MISCELLANEOUS FOOD PRODUCTS
RESTRICTING PACKAGING OF CHICORY AND
SALE OF PACKAGED CHICORY

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of chicory to meet war and essential civilian needs, *It is hereby ordered*, That Food Distribution Order No. 5 (8 F.R. 512) issued by the Secretary of Agriculture on January 12, 1943, be, and the same hereby is, amended as follows:

1. By deleting the words "Restricting the sale and delivery of packaged chic-

ory" from the title of such order, and inserting, in lieu thereof, the following: "restricting the packaging of chicory and the sale of packaged chicory."

2. By adding to § 1490.1 (a) of said order, the following:

(5) "Bulk chicory" shall mean chicory which is not sold in consumer size packages intended or suitable for retail distribution.

(6) "Package" shall mean the act of placing chicory in consumer size packages intended or suitable for retail distribution.

3. By deleting therefrom the provisions in § 1490.1 (b), of said order, and inserting, in lieu thereof, the following:

(b) *Restrictions.* (1) No processor shall package, during the period from April 1, 1943, to December 31, 1943, in-

clusive, a total amount of chicory which is in excess of 25 percent of the total amount of bulk chicory which was delivered by him during such period to persons other than processors.

(2) No processor shall sell in any three-month period commencing April 1, 1943, July 1, 1943, and September 1, 1943, respectively, a total quantity of packaged chicory which is in excess of 25 percent of the total quantity of bulk chicory which was delivered by him to persons other than processors in the same three-month period.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 29th day of April 1943.

[SEAL] **CHESTER C. DAVIS,**
War Food Administrator.

Press Release Immediate:
Friday, April 30, 1943

The packaging of additional quantities of roasted chicory for individual consumer use is permitted under an amendment to Food Distribution Order No. 5 issued today by the War Food Administration. Roasted chicory is used for blending with coffee, either by commer-

cial coffee roasters or by individual consumers.

Under the amended order, a processor of roasted chicory may package for individual consumer use 25 percent of his deliveries of bulk chicory during each 3-month period beginning April 1, 1943, July 1, 1943, and September 1, 1943. This will permit considerably more packag-

ing in consumer sizes than under previous quota provisions which were based on 1941 base periods when such packaging was at a relatively low point.

Since coffee rationing went into effect, consumer demand for chicory for home blending with coffee has increased while the quantity required for commercial coffee blending has decreased.

JULY 16, 1943

WAR FOOD ADMINISTRATION

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JUL 30 1943

[FDO 5, Amdt. 2]

PART 1490—MISCELLANEOUS FOOD
PRODUCTSRESTRICTING THE SALE OF PACKAGED
CHICORY

Food Distribution Order No. 5 (8 F.R. 512), issued by the Secretary of Agriculture on January 12, 1943, as amended, is hereby further amended to read as follows:

§ 1490.1 *Restrictions on sale of packaged chicory*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "processor" means any person engaged in the business of processing dried chicory root.

(2) The term "packager" means any person engaged in the business of packaging chicory in consumer size packages for retail distribution.

(3) The term "chicory" means pure roasted chicory, whether granulated, in rolls, compressed tablet, or in any other form; or that portion of pure roasted chicory compounded with cereal, peas, beans, or any other substance except coffee.

(4) The term "packaged chicory" means pure chicory, or that portion of pure chicory which is compounded with cereal, peas, beans, or any other substance except coffee, in consumer size packages intended or suitable for retail distribution.

(5) The term "bulk chicory" means pure chicory, or that portion of pure chicory which is compounded with cereal, peas, beans, or any other substance except coffee, which is not sold in consumer size packages intended or suitable for retail distribution.

(6) The term "package" means the act of placing pure chicory, or chicory compounded with cereal, peas, beans, or any other substance except coffee, in consumer size packages intended or suitable for retail distribution.

(7) The term "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(8) The term "person" means any individual, partnership, corporation, association, or other business entity.

(9) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing chicory in accordance with said Food Distribution Regulation 2.

(10) The term "Armed Services of the United States" means, the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(b) *Restrictions*. During the calendar month of July 1943 and each calendar month thereafter, no processor or packager shall sell to purchasers other than governmental agencies a total quantity of packaged chicory which is in excess of 25 percent of the total quantity of bulk chicory delivered by such processor or packager to persons other than processors or packagers in the immediately preceding month: *Provided*, That, during the first 15 days of any such calendar month, a processor or packager may sell any portion of his allowable package sales which was not sold in the preceding month.

(c) *Audits and inspections*. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of chicory of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports*. The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any

person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations*. The War Food Administrator may, by suspension order, prohibit any person who violates any provisions of this order from receiving, making any deliveries of, or using chicory, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority*. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(h) *Communications*. All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, I. C., Ref. FD-5.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e.w.t., July 19, 1943. With respect to violations, rights accrued, or liabilities incurred prior to the effective time of this amend-

ment, said Food Distribution Order No. 5, as heretofore amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 16th day of July 1943.

PAUL A. PORTER,
Acting War Food Administrator.

Press Release Immediate:
Saturday, July 17, 1943.

Processors of dried chicory root and packagers of roasted chicory are now permitted to sell in any one month a quantity of packaged chicory which shall not exceed 25% of their deliveries of bulk chicory in the immediately preceding month.

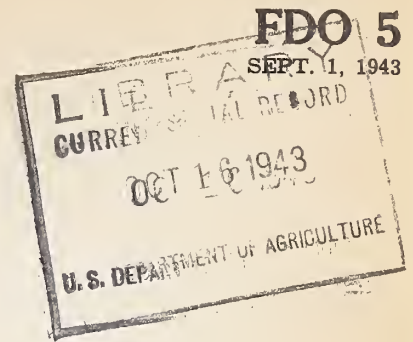
This was authorized by an amendment to Food Distribution Order No. 5, effective July 1, 1943. Previously the limitation governing the sales of packaged chicory was on a quarterly basis.

Under the amended order, the term "processor" includes any person engaged in the business of processing dried chicory root. The term "packager" is defined as including any person engaged

in the business of packaging roasted chicory in consumer-size packages for retail distribution.

The amendment also broadens the definitions of "chicory," "packaged chicory" and "bulk chicory" to include not only pure chicory but also that portion of pure chicory which is compounded with cereals, peas, beans or any other substance except coffee.

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WAR FOOD ADMINISTRATION

[FDO 5, as Amended, Termination]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

SALE OF PACKAGED CHICORY

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, *It is hereby ordered*, As follows:

That Food Distribution Order No. 5, issued by the Secretary of Agriculture on January 12, 1943, as amended (8 F.R. 512, 5663, 9907), restricting the sale of packaged chicory, be, and the same is hereby, terminated at 12:01 a. m., e. w. t., September 1, 1943.

With respect to violations of Food Distribution Order No. 5, as amended, or rights accrued, liabilities incurred, or appeals taken under said Food Distribution Order No. 5, as amended, prior to the effective time of the termination of

said order, said Food Distribution Order No. 5, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 1st day of September 1943.

MARVIN JONES,
War Food Administrator.

Press Release, Immediate:
Thursday, September 3, 1943.

Food Distribution Order No. 5, as amended, which restricted the sale and delivery of packaged chicory, has been terminated by the WFA.

Chicory for roasting is produced primarily in Michigan, and is used almost exclusively in the blending of coffee, particularly in southern States.

Since coffee rationing has been suspended, the War Food Administration has now revoked the order restricting the sale and delivery of packaged chic-

ory. When this order was issued there was a serious shortage of coffee and it was thought advisable to maintain the normal marketing of chicory.

In view of present coffee supplies, it is believed by the WFA that the order restricting the sale and delivery of packaged chicory is no longer necessary.

